

**REMARKS**

Upon entry of this paper, claims 1-3 and 5-11 are pending in this application.

Applicants have amended claims 1, 2, and 6-8, have canceled claim 4, and have added new claims 9-11. These changes do not introduce any new matter.

**Rejections Under 35 U.S.C. § 103**

Applicants respectfully request reconsideration of the rejection of claims 1-3 and 6-8 under 35 U.S.C. § 103(a) as being unpatentable over *Gignac* (US 2004/0239982 A1) in view of *Fujita* (US 2002/0067511 A1). As will be explained in more detail below, the combination of the *Gignac* and *Fujita* references would not have suggested to one having ordinary skill in the art the subject matter defined in independent claims 1 and 6-8, as amended herein.

Applicants have amended independent claim 1 to specify the following features:

(a) the image data and the image production record information are supplied to an

image processing device which is separate from an image-producing device, wherein both the image data and the image production record information are produced by the image-producing device;

(b) it is determined whether or not to execute a trimming process on the image based on the image production record information produced by the image-producing device which includes at least subject area information representing a subject area in an image; and

(c) the trimming process is terminated in case the subject area will be cut as a result of the trimming.

According to the subject matter defined in claim 1, since it is determined whether or not to execute a trimming process on the image based on the image production record information produced by the image-producing device which is separate from the image processing device, it is possible to execute the trimming process according to the preference

of the person who operated the image-producing device at the time when the image was produced.

In Paragraph 0057, the *Gignac* reference describes the individual cropping of images, and indicates that an image can be subjected to manual cropping. In the manual cropping process, “[t]he user selects from a series of boxes, either portrait, landscape or letter box and then completes a manual cropping.” Paragraph 0057, lines 10-12. As such, the *Gignac* reference does not disclose or suggest any of the above-listed features (a) to (c). The *Fujita* reference does not cure the deficiencies of the *Gignac* reference relative to the presently claimed subject matter. Thus, even if the *Gignac* and *Fujita* references were to be combined in the manner proposed by the Examiner, the result of the combination would not include each and every feature of the presently claimed subject matter. As such, the combination of the *Gignac* and *Fujita* references does not raise a *prima facie* case of obviousness against the subject matter defined in amended claim 1.

Applicants have amended each of independent claims 6-8 along the same lines that claim 1 has been amended. As such, the arguments set forth above regarding claim 1 also apply to amended claims 6-8.

Accordingly, for at least the foregoing reasons, claims 1 and 6-8, as amended herein, are patentable under 35 U.S.C. § 103(a) over the combination of *Gignac* in view of *Fujita*. Claims 2 and 3, each of which ultimately depends from claim 1, are likewise patentable under 35 U.S.C. § 103(a) over the combination of *Gignac* in view of *Fujita* for at least the same reasons set forth above regarding claim 1.

Applicants respectfully request reconsideration of the rejection of claims 1 and 4-8 under 35 U.S.C. § 103(a) as being unpatentable over *Kubo et al.* (“*Kubo*”) (US 6,765,691 B2) in view of *Fujita* (as noted above, claim 4 has been canceled). As will be explained in more detail below, the combination of the *Kubo* and *Fujita* references would not have suggested to

one having ordinary skill in the art the subject matter defined in independent claims 1 and 6-8, as amended herein.

The *Kubo* reference states in column 22, lines 64-66, that Figure 10 shows a dialog box, which is displayed on the monitor for setting trimming. This means that the parameters shown in Figure 10 are set by the user, and they do not correspond to “the image production record information produced by the image-producing device” as recited in the presently claimed subject matter. The *Fujita* reference does not cure this deficiency of the *Kubo* reference relative to the presently claimed subject matter. Thus, even if the *Kubo* and *Fujita* references were to be combined in the manner proposed by the Examiner, the result of the combination would not include each and every feature of the presently claimed subject matter. As such, the combination of the *Kubo* and *Fujita* references does not raise a *prima facie* case of obviousness against the subject matter defined in amended claims 1 and 6-8.

Accordingly, for at least the foregoing reasons, claims 1 and 6-8, as amended herein, are patentable under 35 U.S.C. § 103(a) over the combination of *Kubo* in view of *Fujita*. Claim 5, which depends from claim 1, is likewise patentable under 35 U.S.C. § 103(a) over the combination of *Kubo* in view of *Fujita* for at least the same reasons set forth above regarding claim 1.

#### New Claims

As noted above, Applicants have added new claims 9-11. Claim 9 defines an image processing method in which it is determined whether or not to execute a trimming process on the image data based on the subject area position information representing a subject area in the image. This trimming process differs from that shown in *Kubo* where the trimming is executed so that the center of the image is maintained. As stated in *Kubo* at column 23, line 65 through column 24, line 3, “if the size of the image data and the print size are not made coincident, it is set such that the image data is automatically enlarged and reduced within a

range of the image in the output frame 101 and *a central portion of the image within the output frame 101 is printed.*" [Emphasis added.] Thus, according to *Kubo*'s trimming process, if a shooting subject is not within the central portion of the image, some of the shooting subject will be cut out by the trimming process (see Figure 4 of *Kubo* which shows that some of the shooting subject is cut out by the trimming process).

On the other hand, in accordance with the subject matter defined in claim 9, since it is determined whether or not to execute a trimming process on the image data based on the subject area position information representing a subject area in the image, the shooting subject will not be cut out by the trimming process.

Claim 10 defines an image processing device, and claim 11 defines a computer program product. Each of claims 10 and 11 defines subject matter that corresponds to the above-discussed feature of claim 9.

For at least the above-discussed reasons, Applicants submit that claims 9-11 are patentable under 35 U.S.C. § 102 and 103 over the prior art of record.

### Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 1-3 and 5-8, as amended herein, and examination of new claims 9-11, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 749-6902**. If any additional fees are due in connection with the filing of this paper, then the

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Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP066).

Respectfully submitted,  
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